

COMP

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT BARCELON, an individual,

Plaintiff,

vs.

LANDFORCE CORPORATION
individually; ALBERT LEON HARRIS,
individually; DOES I-X; and ROES
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.:
DEPT. NO.:

COMPLAINT

COMES NOW, Plaintiff ROBERT BARCELON, by and through his attorneys,
STOVALL & ASSOCIATES, and for his complaint against the Defendant allege and state as
follows:

PARTIES

I

That Plaintiff ROBERT BARCELON is, and at all times mentioned herein was, a
resident of Clark County, Nevada.

II

That Defendant LANDFORCE CORPORATION is, and at all times mentioned herein
was, a California Corporation having its principal place business at 17201 W. D Street,
Victorville, CA.

III

1 That Defendant ALBERT LEON HARRIS is, and at all times mentioned herein was,
2 a resident of California, and employed as a truck driver by defendant Landforce Corporation.

3 IV

4 That the identities and capacities of the defendants designated herein as Doe I – X or
5 Roe Corporations I – X, are unknown to the plaintiff at this time, but are believed to be
6 individuals, partnerships, companies and corporations who were the owners and/or operators of
7 the 2009 International tractor trailer that on October 5, 2016 negligently collided with a 2009
8 Dodge Ram pickup truck operated by the plaintiff on Highway 70 at milepost 185 in Colorado.

9 V

10 That at all times mentioned herein, the named defendants, including but not limited to,
11 Doe I – X and Roe Corporations I – X, are the agents, servants, employees or joint ventures of
12 every other defendant named herein, and at all times mentioned herein were acting within the
13 scope and courses of said agency, employment or joint venture with the knowledge and
14 permission and consent of all other named defendants in the negligent operation of the 2009
15 International tractor trailer that on October 5, 2016 that negligently collided with a 2009 Dodge
16 Ram Pickup Truck operated by plaintiff on Highway 70 at milepost 185 in Colorado.

17 JURISDICTION

18 VI

19 This court has jurisdiction over this action pursuant to 28 USC section 1332(a) and (b),
20 in that, this case involves claims between citizens of different states and the amount in
21 controversy is a sum in excess of \$75,000.

22 VII

23 That venue is proper in the Nevada district pursuant to 28 USC 1391(b)(2), in that, a
24 substantial part of the events giving rise to the claim occurred therein. Specifically,

25 A. The plaintiff suffered a spinal injury in a motor vehicle accident that occurred in
26 Colorado.

27 B. The Defendant's liability is clear: The defendant lost control of a tractor trailer
28 driving in snow/ice conditions and collided with plaintiff's vehicle.

1
2 C. The evidence of the plaintiff's damages is located in Nevada: Following the subject
3 motor vehicle accident the plaintiff returned to Nevada where he has received all further medical
4 treatment for the spinal injury, where all of his treating physicians and services provider are
5 located, and where all experts that will provide opinions regarding the future prognosis, care, and
6 treatment the plaintiff will require as a result of the injuries sustained in the subject motor vehicle
7 accident are located.

8 D. The defendants are residents of California.

9 STATEMENT OF FACTS

10 VIII

11 That on October 5, 2016 the plaintiff was the operator/owner of a 2009 Dodge pickup
12 truck, Nevada license plate number 322SZG, westbound on Highway 170 near mile post 185.
13

14 IX

15 That on October 5, 2015 defendant Albert Leon Harris was the driver/operator of a 2009
16 International tractor trailer, California license plate number WP72301, owned by defendant
17 Landforce Corporation.
18

19 X

20 That on October 5, 2016 defendant Albert Leon Harris while driving the 2009
21 International tractor trailer westbound on Highway 70 near mile post 185, negligently lost control
22 of the 2009 International tractor trailer and collided with the 2009 Dodge Pickup truck operated
23 by the plaintiff.
24

25 XI

26 That defendant Landforce Corporation authorized and permitted defendant Albert Leon
27 Harris to operate and drive the 2009 International tractor trailer on October 5, 2009.
28

XII

1 That defendant Albert Leon Harris operated the 2009 International tractor trailer as an
2 agent, and within the scope of that agency, of defendant Landforce Corporation on October 5,
3 2016.

4 XIII

5 That defendant Landforce Corporation negligently entrusted it's 2009 International tractor
6 trailer to defendant Albert Leon Harris, and as a direct and proximate result thereof the plaintiff
7 suffered injuries when defendant Albert Leon Harris negligently drove the 2009 International
8 tractor trailer into the vehicle operated by the plaintiff.

9
10 XIV

11 That as a direct and proximate result of the aforementioned negligence of the defendants,
12 plaintiff sustained injuries to his neck, head, back, and bodily limbs, organs and systems, all or
13 some of which conditions may be permanent and disabling and, all to the plaintiff's damages in a
14 sum in excess of \$75,000.

15
16 XV

17 That as a direct and proximate result of the aforementioned negligence of the defendants,
18 plaintiff did receive medical and other treatment for his injuries at a cost of approximately
19 \$76,000, and that said services, care and treatment are continuing and shall continue into the
20 future at an estimated cost of \$275,000, all to the plaintiff's damages in a sum in excess of
21 \$75,000.

22 XVI

23 That the injuries complained of herein, diminish the plaintiff's ability and capacity to
24 engage in activities to the same extent as prior to the accident which is the subject of this
25 complaint, all to the plaintiff's damages in the sum in excess of \$75,000.

26
27 XVII

28 That the aforementioned negligence of the defendants has caused the plaintiff to engage

1 the services of an attorney, incurring attorneys fees and cost to bring this action, which plaintiffs
2 seek to recover from the defendants.

3 WHEREFORE, plaintiffs expressly reserving the right to amend this complaint at the
4 time

5 of, or prior to trial, prays for judgment against the defendants as follows:

- 6 1. For general damages in a sum in excess of \$75,000;
- 7 2. For special damages in a sum in excess of \$75,000;
- 8 3. For attorney's fees and costs of suit incurred herein;
- 9 4. For interest at the statutory rate;
- 10 5. For such other and further relief as the court deems just and proper under the premises.

11 Dated this 10 day of August, 2018

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13 STOVALL & ASSOCIATES

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